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OFFICE OF PETITIONS

In re	:	
Ritzeler et al.	:	
Application NO. 10/627,978	:	LETTER REGARDING
Filed: July 28, 2003	:	PATENT TERM ADJUSTMENT
Atty Docket NO. 02481.1737-01	:	

This decision is in response to applicants' "NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT" filed on December 30, 2005 requesting that the Office review the PTA calculation . ninety-six (96) days to a determination of one hundred and thirty-three (133).

The Office thanks applicants for their good faith and candor in bringing this issue to the attention of the Office.

Applicants letter regarding PTA is **granted**. The office will adjust the PTA determination at the time of the mailing of the notice of allowance from a determination of 27 days to a determination of 0 days.

Applicants assert that the Office erred in assessing twenty-seven (27) days of administrative delay against the Office for the non-final rejection mailed on July 8, 2005. Applicants assert that the Office erred in that the amendment was filed on May 26, 2005, not July 8, 2005. Applicant asserts that the non-final rejection was filed within four months of applicant's amendment of March 1, 2005.

Applicants' arguments are persuasive. The record does reflect that the Office mailed a non-final rejection on May 26, 2005, not the date of July 8, 2005 that was entered into PALM. Because the mail date of the non-final rejection was May 26, 2005 the Office complied with the requirement of 37 CFR 1.702(a)(2). The errant PALM entry caused the Office to determine that the Office had delayed by a period of twenty-seven (27) days. Accordingly at the

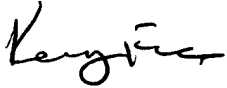
time of the mailing of the notice of allowance, there was no delay by the applicants or the Office.

After the mailing of this decision, the application will be forwarded to the Office of Patent Publications for a prompt issuance of the patent.

Any delays in issuing the application more than 4 months after payment of the issue fee and other requirements being satisfied will be reflected in the issue notification letter mailed approximately three weeks prior to issuance of the application.

The Office has not assessed the \$200.00 fee for the submission of this letter regarding PTA because this letter was a letter of good faith and candor.

Any questions concerning this application should be directed to Kery Fries at 571-272-7757.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: Adjusted Pair Calculation

PALM INTRANET

EXHIBITDay : Friday
Date: 2/17/2006

Time: 18:14:55

PTA Calculations for Application: 10/627978			
Application Filing Date:	07/28/2003	PTO Delay (PTO):	27
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-27		

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
42	02/17/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		54	
41	02/17/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	27		
35	10/03/2005	MAIL NOTICE OF ALLOWANCE			
34	09/29/2005	ISSUE REVISION COMPLETED			
33	09/29/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
32	09/29/2005	CASE DOCKETED TO EXAMINER IN GAU			
31	09/29/2005	NOTICE OF ALLOWABILITY			
30	07/28/2005	DATE FORWARDED TO EXAMINER			
29	07/18/2005	RESPONSE AFTER NON-FINAL ACTION			
28	07/28/2005	MAIL NON-FINAL REJECTION	27		20
27	07/28/2005	NON-FINAL REJECTION			
24	04/08/2005	CORRESPONDENCE ADDRESS CHANGE			
23	03/01/2005	REFERENCE CAPTURE ON IDS			
22	03/01/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	20
21	03/16/2005	DATE FORWARDED TO EXAMINER			
20	03/01/2005	RESPONSE AFTER NON-FINAL ACTION			
19	12/22/2004	MAIL NON-FINAL REJECTION			
18	12/22/2004	NON-FINAL REJECTION			
17	10/19/2004	DATE FORWARDED TO EXAMINER			
16	09/24/2004	RESPONSE TO ELECTION / RESTRICTION FILED			
15	09/07/2004	MAIL RESTRICTION REQUIREMENT			
14	09/03/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
13	04/08/2004	CASE DOCKETED TO EXAMINER IN GAU			
12	02/23/2004	APPLICATION RETURN FROM OIPE			
11	02/23/2004	APPLICATION RETURN TO OIPE			

10	02/20/2004	APPLICATION DISPATCHED FROM OIPE			
9	02/23/2004	APPLICATION IS NOW COMPLETE			
8	01/23/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
6	07/28/2003	CLAIM PRELIMINARY AMENDMENT			
5	10/23/2003	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	10/13/2003	CASE CLASSIFIED BY L&R			
3	10/13/2003	CLEARED BY OIPE CSR			
2	09/05/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/28/2003	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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